

# House File 2392 - Enrolled

PAG LIN

HOUSE FILE 2392

1 1  
1 2  
1 3 AN ACT  
1 4 RELATING TO CERTAIN CITY UTILITIES OR CITY ENTERPRISES BY  
1 5 MAKING CHANGES TO PROCEDURES FOR NOTICE AND COLLECTION OF  
1 6 DELINQUENT CHARGES AND BY MAKING CHANGES TO BILLING  
1 7 NOTIFICATIONS FOR WATER SERVICE PROVIDED TO CERTAIN  
1 8 RESIDENTIAL RENTAL PROPERTY.  
1 9  
1 10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 11  
1 12 Section 1. Section 384.84, subsection 2, paragraphs c and  
1 13 d, Code 2007, are amended to read as follows:  
1 14 c. A city utility or enterprise service to a property or  
1 15 premises shall not be discontinued unless prior written notice  
1 16 is sent, by ordinary mail, to the account holder ~~by ordinary~~  
~~1 17 mail in whose name the delinquent rates or charges were~~  
1 18 incurred, informing the account holder of the nature of the  
1 19 delinquency and affording the account holder the opportunity  
1 20 for a hearing prior to discontinuance of service. If the  
1 21 account holder is a tenant, and if the owner or landlord of  
1 22 the property has made a written request for notice, the notice  
1 23 shall also be given to the owner or landlord.  
1 24 d. (1) If a delinquent amount is owed by an account  
1 25 holder for a utility service associated with a prior property  
1 26 or premises, a city utility, city enterprise, or combined city  
1 27 enterprise may withhold service from the same account holder  
1 28 at any new property or premises until such time as the account  
1 29 holder pays the delinquent amount owing on the account  
1 30 associated with the prior property or premises. A city  
1 31 utility, city enterprise, or combined city enterprise shall  
1 32 not withhold service from, or discontinue service to, a  
1 33 subsequent owner who obtains fee simple title of the prior  
1 34 property or premises unless such delinquent amount has been  
1 35 certified in a timely manner to the county treasurer as  
2 1 provided in subsection 3, paragraph "a", subparagraphs (1) and  
2 2 (2).  
2 3 (2) Delinquent amounts that have not been certified in a  
2 4 timely manner to the county treasurer are not collectible  
2 5 against any subsequent owner of the property or premises.  
2 6 Sec. 2. Section 384.84, subsection 3, Code 2007, is  
2 7 amended to read as follows:  
2 8 3. a. (1) Except as provided in paragraph "d", all rates  
2 9 or charges for the services of sewer systems, storm water  
2 10 drainage systems, sewage treatment, solid waste collection,  
2 11 water, solid waste disposal, or any of these services, if not  
2 12 paid as provided by ordinance of the council or resolution of  
2 13 the trustees, are a lien upon the property or premises served  
2 14 by any of these services upon certification to the county  
2 15 treasurer that the rates or charges are due.  
2 16 (2) If the delinquent rates or charges were incurred prior  
2 17 to the date a transfer of the property or premises in fee  
2 18 simple is filed with the county recorder and such  
2 19 delinquencies were not certified to the county treasurer prior  
2 20 to such date, the delinquent rates or charges are not eligible  
2 21 to be certified to the county treasurer. If certification of  
2 22 such delinquent rates or charges is attempted subsequent to  
2 23 the date a transfer of the property or premises in fee simple  
2 24 is filed with the county recorder, the county treasurer shall  
2 25 return the certification to the city utility, city enterprise,  
2 26 or combined city enterprise attempting certification along  
2 27 with a notice stating that the delinquent rates or charges  
2 28 cannot be made a lien against the property or premises.  
2 29 (3) If the city utility, city enterprise, or combined city  
2 30 enterprise is prohibited under subparagraph (2) from  
2 31 certifying delinquent rates or charges against the property or  
2 32 premises served by the services described in subparagraph (1),  
2 33 the city utility, city enterprise, or combined city enterprise  
2 34 may certify the delinquent rates or charges against any other  
2 35 property or premises located in this state and owned by the  
3 1 account holder in whose name the rates or charges were  
3 2 incurred.  
3 3 b. This The lien under paragraph "a" may be imposed upon a

3 4 property or premises even if a city utility or enterprise  
3 5 service to the property or premises has been or may be  
3 6 discontinued as provided in this section.  
3 7 c. A lien for a city utility or enterprise service under  
3 8 paragraph "a" shall not be certified to the county treasurer  
3 9 for collection unless prior written notice of intent to  
3 10 certify a lien is given to the account holder of in whose name  
3 11 the delinquent ~~account~~ rates or charges were incurred at least  
3 12 thirty days prior to certification. If the account holder is  
3 13 a tenant, and if the owner or landlord of the property has  
3 14 made a written request for notice, the notice shall also be  
3 15 given to the owner or landlord. The notice shall be sent to  
3 16 the appropriate persons by ordinary mail not less than thirty  
3 17 days prior to certification of the lien to the county  
3 18 treasurer.

3 19 d. Residential rental property where a charge for water  
3 20 service is separately metered and paid directly to the city  
3 21 utility or enterprise by the tenant is exempt from a lien for  
3 22 delinquent rates or charges associated with such water service  
3 23 if the landlord gives written notice to the city utility or  
3 24 enterprise that the property is residential rental property  
3 25 and that the tenant is liable for the rates or charges. A  
3 26 city utility or enterprise may require a deposit not exceeding  
3 27 the usual cost of ninety days of water service to be paid to  
3 28 the utility or enterprise. Upon receipt, the utility or  
3 29 enterprise shall acknowledge the notice and deposit. A  
3 30 written notice shall contain the name of the tenant  
3 31 responsible for charges, address of the residential rental  
3 32 property that the tenant is to occupy, and the date that the  
3 33 occupancy begins. A change in tenant shall require a new  
3 34 written notice to be given to the city utility or enterprise  
3 35 within ~~ten~~ thirty business days of the change in tenant. When  
4 1 the tenant moves from the rental property, the city utility or  
4 2 enterprise shall return the deposit if the water service  
4 3 charges are paid in full. A change in the ownership of the  
4 4 residential rental property shall require written notice of  
4 5 such change to be given to the city utility or enterprise  
4 6 within ten business days of the completion of the change of  
4 7 ownership. The lien exemption for rental property does not  
4 8 apply to charges for repairs to a water service if the repair  
4 9 charges become delinquent.

4 10

4 11

4 12

4 13

\_\_\_\_\_  
PATRICK J. MURPHY  
Speaker of the House

4 14

4 15

4 16

4 17

4 18

\_\_\_\_\_  
JOHN P. KIBBIE  
President of the Senate

4 19

4 20

4 21

4 22

4 23

4 24

4 25

4 26

\_\_\_\_\_  
MARK BRANDSGARD  
Chief Clerk of the House

4 27

4 28

4 29

4 30

4 31

4 32

4 33

\_\_\_\_\_  
CHESTER J. CULVER  
Governor